

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
Galveston Division

TEXAS DEPARTMENT OF CRIMINAL
JUSTICE,

Plaintiff,

V.

Case No. 3:17-cv-00001

UNITED STATES FOOD AND DRUG
ADMINISTRATION, *et al.*,

Defendants.

DEFENDANTS' UNOPPOSED MOTION TO CONTINUE STATUS CONFERENCE

Pursuant to Rule 7 of the Court's local rules, defendants, the United States Food and Drug Administration, et al., respectfully request that the Court continue for 90 days the status conference that the Court has set for September 13, 2018, and keep the case stayed in the meantime. *See* Order, June 15, 2018, ECF No. 62. The Texas Department of Criminal Justice (Texas) does not oppose this motion.

This case is currently stayed and administratively closed. See Order, Dec. 4, 2017, ECF 52. The Court has previously scheduled a hearing on Texas's motion to lift the stay and set a briefing schedule (ECF 53); in the June 15, 2018 Order, the Court continued that hearing until September 13, 2018 at our request. In our prior continuance request, we explained that the federal government has been exploring options internally for resolving this lawsuit in a way that would obviate the need for the Court to issue a decision. Those internal deliberations are still ongoing, but the government believes it is significantly closer to a solution that could allow this case to be resolved without additional litigation. Though we recognize that repeated

continuances are disfavored by this Court, we believe that granting another continuance and permitting those deliberations to continue is necessary to avoid a wasteful expenditure of judicial resources.

For this reason, we respectfully request that the Court keep the existing stay in place and continue the September 13, 2018, status conference by 90 days.

Respectfully submitted,

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Deputy Assistant Attorney General

GUSTAV EYLER
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s/ Alexander V. Sverdlov
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September 7, 2018

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on this 7th day of September, 2018, a copy of the foregoing “DEFENDANTS’ UNOPPOSED MOTION TO CONTINUE STATUS CONFERENCE” was filed electronically. This filing was served electronically to all parties by operation of the Court’s electronic filing system.

s/ Alexander V. Sverdlov

Upon consideration of the defendants' unopposed motion to continue the status conference, and upon due deliberation, it is hereby

ORDERED that the motion is granted; and it is further

ORDERED that a status conference in this case is set for _____, 2018.

SO ORDERED.

HON. GEORGE C. HANKS, JR.
United States District Judge